

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JERMAINE DOCKERY, ET AL.**

**PLAINTIFFS**

**VS.**

**No. 3:13-cv-326-WHB-JCG**

**MARSHALL L. FISHER, ET AL.**

**DEFENDANTS**

**EMERGENCY MOTION TO BE EXCUSED FROM ATTENDING  
SETTLEMENT CONFERENCE**

Defendant Mississippi Department of Corrections (“MDOC”)<sup>1</sup> files this Motion seeking an Order permitting attorney W. Thomas Siler, Jr., to be excused from attending the settlement conference scheduled for January 24, 2019, at the federal courthouse in Gulfport, Mississippi.

1. On Monday, January 21, 2019, Paul Miller, Mr. Siler’s retired law partner of approximately 30 years, unexpectedly passed away. After the close of business on January 22, 2019, Mr. Siler was informed that Mr. Miller’s funeral service would take place on Thursday, January 24, 2019, between the hours of 10:30 a.m. and 12:30 p.m. at Sebrell Funeral Home in Ridgeland, Mississippi.

2. Given the extensive professional and personal friendship between Mr. Siler and Mr. Miller, Mr. Siler respectfully requests that he be excused from attending the settlement conference scheduled for Thursday, January 24, 2019, so that he can attend the funeral service for Mr. Miller.

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<sup>1</sup> The named defendants are Pelicia Hall, Gloria Perry, Jerry Williams, and Richard McCarty in their official capacities, but persons sued in their official capacity “assume the identity of the government [entity] that employs them.” *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 109 (1989). Thus, the real party-in-interest is MDOC.

3. Given the nature of this request, undersigned counsel respectfully ask that MDOC be excused from the requirement of filing a separate memorandum of authorities, as set forth in Rule 7(b)(4) of the Local Uniform Civil Rules.

For the foregoing reasons, Defendant requests an Order permitting attorney W. Thomas Siler, Jr., from attending the settlement conference scheduled for January 24, 2019.

Dated: January 23, 2019.

Respectfully submitted,

BY: JIM HOOD, ATTORNEY GENERAL  
STATE OF MISSISSIPPI

BY: s/ Nick Morisani  
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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I, *Nick Morisani*, certify that the foregoing Motion has been filed with the Clerk of Court using the Court's ECF system, which provides service of the foregoing to all counsel of record who have entered an appearance in this case as of the date below.

Dated: January 23, 2019.

*s/ Nick Morisani*  
Nicholas F. Morisani